

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

CYNTHIA SANDS,	:	
	:	
Plaintiff	:	No. 4:01-CV-1475
	:	
vs.	:	Complaint Filed 08/03/01
	:	
SHERRY WAGNER, DONALD W. KLINE, II,	:	
STAT NURSE, INC., STAT HEALTH	:	(Judge Muir)
SERVICES, INC., GUARDIAN HEALTH	:	
SERVICES, INC., TRIAGE STAFFING	:	
INC., and GHS HEALTHCARE INC.,	:	
	:	
Defendants	:	

ORDER

November 14, 2005

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

A jury trial was held in this case in December of 2003, resulting in a verdict for the Plaintiff Cynthia Sands. In our order #1 of March 29, 2004, we granted the Defendants' motions for a new trial and denied the Defendants' motions for judgment notwithstanding the verdict. Sands appealed that order on April 6, 2004. The Defendants filed a cross-appeal from our denial of their motions for judgment notwithstanding the jury's verdict. Those matters remained pending in the United States Court of Appeals for the Third Circuit until September 16, 2005, when the appeals were dismissed for lack of jurisdiction.

On October 7, 2005, Sands filed a motion for leave to conduct limited written discovery. The discovery sought would be directed at ascertaining 1) "the existence, viability and

financial status of Nordic Investments, Tir Partners, and Guardian Nursing Services, Inc.," which are not Defendants in this case but are affiliated with Defendant Donald W. Kline, III; and 2) "update Plaintiff as to the current financial standing and viability of the other business entities [affiliated with Kline] already named as defendants in this case." (Motion for Discovery, p. 2, ¶¶5, 6)

A supporting brief was filed with the motion. On October 14, 2005, Defendants Kline; Stat Health Services, Inc.; Guardian Health Services, Inc.; and GHS Healthcare, Inc., filed an opposition brief. The time allowed for Sands to file a reply brief expired on October 31, 2005, and to this date no such brief has been filed. Sands's motion for leave to conduct discovery is ripe for disposition.

The discovery sought by Sands relates primarily to financial status of the entities described in her motion and supporting brief. Although the discovery she seeks to pursue may well relate to her ability to collect any judgment she may obtain, the discovery does not appear to address any substantive issue in the case. In her brief, Sands does not cite a single case, statute, rule, or authority in support of her motion.

Under these circumstances, it appears as though Sands's motion is premature because the discovery she seeks would be available to her, if ever, only after a favorable judgment is

obtained by her. See Fed.R.Civ.P. 69. For that reason we will deny her motion.

NOW, THEREFORE, IT IS ORDERED THAT:

Sands's motion (Document 328) for leave to conduct discovery is denied.

s/Malcolm Muir
MUIR, U.S. District Judge

MM:ga